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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,115	11/08/2001	Mark Maggenti	000211D8	4163

23696 7590 09/13/2005

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,115

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicants elects claims 1-18 (Group I) without traverse is acknowledged.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Locascio et al. (U.S. Patent No. 5,402,491).

Regarding claim 1, Locascio discloses “in a communication device, a method for providing security in a group communication network, the method comprising: receiving an encryption key; encrypting media for transmission to a controller using the received encryption key, the encrypted media being directed to another communication device; and communicating the encrypted media to the controller, the communicating including wireless communication”, i.e., Fig. 1 shows a wireless communication system with a plurality of communication units 111-113 communicates to broadcasters 104 & 105 under a central controller 108, each unit including control interface unit has encryption/decryption unit for sending/receiving encryption key from

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the broadcasters as the broadcasters send or broadcast encrypting media to each communication units (refer to col. 2/lines 33-col. 3/line 26).

As for claim 2, Locascio discloses “wherein the receiving includes receiving the encryption key from a user of the communication device” (communication units has an encryption key variables from the encryption module, refer to col. 2/line 62-col. 3/line 4).

As for claim 3, Locascio further discloses “wherein the receiving includes receiving the encryption key from a security module in the network” (col. 2/lines 42-61 for the broadcasters transmit the encryption key while performing secure encoding and decoding functions).

As for claim 4, Locascio discloses “wherein the communication device is a push-to-talk (PTT) wireless communication device” (col. 3/lines 5-26).

Regarding claim 5, Locascio teaches “in a communication device, a method for providing security in a group communication network, the method comprising: receiving encrypted media from a controller; and blocking the encrypted media if the communication device is not enabled to receive encrypted-media transmission” (refer to claim 1 above with additional feature of limited service mode, as the device is not capable or nor ready to receive the encrypted media transmission, the controller stops or interrupt the communication, refer to col. 3/lines 27-37).

As for claim 6, Locascio suggests “in a communication device, a method for providing security in a group communication network, the method comprising: receiving encrypted media from a controller; and blocking the encrypted media if the media is not encrypted based on an encryption key previously specified by the communication device” (similar scope of claim 5 above, since the encryption key has not been established yet, refer to col. 3/lines 27-37).

Regarding claim 7, Locascio discloses “in a communication device, a computer-readable medium embodying a method for providing security in a group communication network, the method comprising: receiving an encryption key; encrypting media for transmission to a controller using the received encryption key, the encrypted media being directed to another communication device; and communicating the encrypted media to the controller, the communicating including cellular communication” (refer to claim 1 above).

As for claims 8-9, Locascio discloses “in a communication device, a computer-readable medium embodying a method for providing security in a group communication network, the method comprising: receiving encrypted media from a controller; and blocking the encrypted media if the communication device is not enabled to receive encrypted-media transmission” and “in a communication device, a computer-readable medium embodying a method for providing security in a group communication network, the method comprising: receiving encrypted media from a controller; and blocking the encrypted media if the media is not encrypted based on an encryption key previously specified by the communication device” (see claims 5 & 6).

Regarding claim 10, Locascio discloses “a communication device for providing security in a group communication network, comprising: means for receiving an encryption key; means for encrypting media for transmission to a controller using the received encryption key, the encrypted media being directed to another communication device; and means for communicating the encrypted media to the controller, the communicating including cellular communication” (Fig. 1 and see claim 1 again for communication device 111-113 within a wireless cellular network).

As for claims 11-12, Locascio teaches “a communication device for providing security in a group communication network, comprising: means for receiving encrypted media from a controller; and means for blocking the encrypted media if the communication device is not enabled to receive encrypted-media transmission” and “a communication device for providing security in a group communication network, comprising: means for receiving encrypted media from a controller; and means for blocking the encrypted media if the media is not encrypted based on an encryption key previously specified by the communication device” (see claims 5 & 6).

Regarding claim 13, Locascio discloses “a communication device for providing security in a group communication network, the communication device comprising: a receiver to receive an encryption key; a processor to encrypt media for transmission to a controller using the received encryption key, the processor being communicatively coupled to the receiver; and a transmitter communicatively coupled to the processor to communicate the encrypted media to the controller, the communicating including wireless communication” (see claim 1 and col. 2/line 62 to col. 3/line 26 for communication device with conventional components for a PTT communication device to operate).

As for claim 14, Locascio shows “wherein the communication device is a push-to-talk (PTT) cellular communication device” (refer again to col. 5-26).

As for claims 15-16 and 17-18, these claims for “a communication device for providing security in a group communication network, the communication device comprising: a receiver to receive encrypted media from a controller; and a processor to block the encrypted media if the communication device is not enabled to receive encrypted-media transmission” and

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“wherein the communication device is a push-to-talk (PTT) device” and “a communication device for providing security in a group communication network, the communication device comprising: a receiver to receive encrypted media from a controller; and a processor to block the encrypted media if the media is not encrypted based on an encryption key previously specified by the communication device” are rejected for the reasons given in the scope of claims 1-6 and 13 as disclosed in details above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Barrett, Dailey, Downs et al, Connor et al, Fumarolo et al., and Jackson et al.(in PTO 892 attached) disclose systems related to PTT devices, and encryption technique.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to the New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895.

The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TONY T. NGUYEN
PATENT EXAMINER**

Tony T. Nguyen
Art Unit 2685
August 25, 2005